

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNATHAN ARNOLD,

Plaintiff,

-against-

KELLY RODRIGUEZ; JULIAN CASTRO;  
RICHARD KASTOR; PATRICK CLUNE;  
THOMAS BRUDER,

Defendants.

**ORDER OF SERVICE**

No. 24-CV-0783 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who currently is incarcerated at the Orange County Jail (“OCJ”), brings this action, *pro se*. He alleges that Defendants, who are correction officers at the OCJ, assaulted him on January 3, 2024. He names as Defendants Officers Kelly Rodriguez, Julian Castro, Richard Kastor, Patrick Clune, and Thomas Bruder.

By order dated February 7, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.<sup>1</sup> Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

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<sup>1</sup> Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to (1) issue summonses for Kelly Rodriguez, Julian Castro, Richard Kastor, Patrick Clune, and Thomas Bruder; (2) complete the USM-285 forms with the addresses for these Defendants; (3) deliver all documents necessary to effect service to the U.S. Marshals Service; and (4) mail Plaintiff an information package.

SO ORDERED.

Dated: White Plains, New York  
March 4, 2024



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PHILIP M. HALPERN  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Kelly Rodriguez, #114  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924
2. Julian Castro, #518  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924
3. Richard Kastor, #364  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924
4. Patrick Clune, #559  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924
5. Thomas Bruder, #560  
Orange County Jail  
110 Wells Farm Rd.  
Goshen, NY 10924